DOCUMENT RESUME

ED 439 574 EC 307 753

TITLE	Special Education Issues in Caseload/Class Size. Quick Turn Around (QTS) Forum.
INSTITUTION	National Association of State Directors of Special Education, Alexandria, VA.
SPONS AGENCY	Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE	2000-03-00
NOTE	6p.
CONTRACT	H159K70002
AVAILABLE FROM	Project FORUM at NASDE, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314. Tel: 703-519-3800 (voice); Tel: 703-519-7008 (TDD) (available in alternative formats).
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Class Size; *Criteria; *Disabilities; Elementary Secondary Education; *Special Education; Specifications; *State Regulation; State Standards; *Teacher Student Ratio

ABSTRACT

This issue brief provides an update on state regulations on caseload/class size in special education. The regulations from 27 states were reviewed and characteristics of state regulations are explained. Findings indicate that no two states have the same regulations on class size/caseload for special education. The size of the regulation varies from as short as one sentence to a very detailed eight pages. Two general types of regulations exist: those that are prescriptive on the basis of various elements and those that are nonprescriptive or general in nature. Among the prescriptive states, some use one criterion, while others use a combination. Limits are given in different forms; some are specific numbers while others use a range. In addition, some states use maximums and others use averages. States using single-criterion regulations use type of program, type of staff, and type of disability to set pupil-teacher ratios. Those states which have multiple criteria regulations use the following categories: by disability and program type, by disability and grade level, by program type and grade level, by teacher license and grade level, and by program type, grade level, and disability. (CR)

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ED 439 574

Quick Turn Around (QTA) Forum.
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Quick Turn Around

Project FORUM

QTA - a brief analysis of a critical issue in special education

Special Education Issues in Caseload/Class Size

March 2000

Introduction and Background

In 1995, Project FORUM at the National Association of State Directors of Special Education (NASDSE)conducted a review of state regulations on caseload/class size in special education.[1] This document is a brief update on this topic focusing on critical issues. This work was done as a part of Project FORUM's Cooperative Agreement with the U. S. Department of Education, Office of Special Education Programs (OSEP).

General Education

The class size issue became prominent in the political arena in the late 1990s, culminating in the addition of a class size initiative as part of the 1999 Department of Education Appropriations Act. This initiative was extended in the year 2000, continuing the goal of reducing class size to a national average of 18 for grades one to three specifically "to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children" (emphasis added)[P. L. 106-113, §310(c)(1)].[2]

The literature on class size in general education, already lengthy and controversial, continues to expand. The reference list at the end of this report cites the most current reviews of the topic (Finn, 1998; Pritchard, 1999; Bracey, 1999; and *Educational Evaluation and Policy Analysis*, 1999). In addition, a federally funded national study of the effects of the new federal funding program began in October 1999 by Abt Associates and a report is due in September 2001.

Special Education

Class size in programs for students with disabilities is not mentioned in federal special education laws, leaving control of this matter to state law and regulations. However, OSEP does have oversight of state requirements through its monitoring responsibility since this issue is related to the provision of a free appropriate public education in the least restrictive environment. As will be described later in this report, there is extensive variation among state requirements in this area.

In contrast to general education, there have been very few studies on caseload/class size that focused on students with disabilities. The most recent summary of the available research was done by McCrea (1996). Reviewing data from two federally funded studies at the University of Minnesota and from state studies, she found that the maximum student-teacher ratio in special education classrooms is usually 15:1, and that class size is affected by many variables including student behavior and the use of paraprofessionals.

A recent study of speech and language services in schools for the deaf compared its findings with a study of services in general schools by the American Speech and Hearing Association (Seal, Rossi and Henderson, 1998). The authors report that the pull-out model is used more frequently in general schools than in schools for the deaf, and that the average caseload of speech-language pathologists for all types students with disabilities is higher in general schools by about one-third.

[1] *Caseload/Class Size in Special Education: A Brief Analysis of State Regulations* (1995) is available from NASDSE.

[2] Further information available online at: www.ed.gov/offices/OESE/ClassSize/legislation.html.

This document is available in alternative formats. For details, please contact Project FORUM staff at 703-519-3800 (voice) or 7008 (TDD).

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The remainder of this document focuses on the characteristics of state regulations on caseload/class size in special education and concludes with brief comments and observations.

State Regulations

The data used as a basis for this analysis were derived from two sources: a) a full text searchable site on the internet, the National State Policy database (NSPD) maintained by NASDSE and the Regional Resource Center network, that contained regulations from 37 states at the time this analysis was conducted;[3] and, b) paper versions of some state regulations that were not available in electronic form. Some states do not address this topic at all in their formal regulations. Documents from a total of 27 states were included in this analysis.

It is important to note that many states are in the process of revising their regulations to comply with the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. However, since the federal law does not address caseload or class size, it is likely that state requirements in this area will not be changed as part of that updating.

Terminology

In reviewing state regulations on this topic, it is important to clarify some terminology. For the most part, the term *class size* refers to the number of students a teacher is instructing at a given time. The term *caseload* is used to denote the total number of students for whom a teacher has some degree of responsibility. As this definition implies, caseload numbers refer to student head counts, not to a full time equivalent based on service delivery. However, this point is not explicitly noted except in the Utah regulations.

Characteristics of State Regulations

No two states have the same—or even very similar—regulations on class size/caseload for special education. The size of the regulation varies from as short as one sentence, to a very detailed eight pages. Two general types of regulations exist: those that are *prescriptive* on the basis of various elements, and those that are *non-prescriptive* or general in nature.

Among the *prescriptive* states, some use one criterion, while others use a combination. Limits are given in different forms—some are specific numbers while others use a range. In addition, some states use maximums and others use averages. The following are examples of this type.

✧ Single-criterion regulations:

1. *By type of program* - Maine has the simplest example of this type. It sets a maximum caseload for each type of service provided—resource, self-contained, composite and consultation. Similarly, Massachusetts sets limits for the number in one instructional group or program on the basis of the student's "prototype," the student identification system that refers to the amount of time the student is removed from regular education. Michigan sets maximums by program type, but adds that caseload shall be based on the severity and multiplicity of student disabilities and must allow time for factors such as diagnostics, report writing, consulting with parents and teachers, IEP (individualized educational program) meetings, and travel.

2. *By type of staff* - California sets specific maximum caseloads by roles such as resource specialists, language, speech- hearing therapists in early childhood, and mainstream educational liaisons, but requires that each district's policies state maximum caseloads.

3. *By disability* - the major criterion used by Illinois and Delaware for class size is the students' disability, although some differences exist on the basis of grade level. Virginia regulations set pupil-teacher ratios on the basis of specific disabilities with variations for the addition of an aide. Nebraska also relies on disability for its criterion, but also considers severity of disability in early childhood and combination programs.

✧ Multiple criteria regulations:

1. *By disability and program type* - Five of the states reviewed regulate caseloads on the basis of the student's disability and the type of service

[3] The NSPD can be accessed at: www.csnp.ohio-state.edu/glarrc/nspd.htm

delivered to that student. For example, Utah differentiates by type of disability with variation for resource room or self-contained program or a combined program. Pennsylvania provides a chart of the caseload and class size allowed for a single teacher mainly based on type of program but varying by type of disability or support needed by the students. North Dakota starts with a caseload range determined by type of disability and allows some consideration of grade level. Another variation is Minnesota that divides the basic requirement by part-time and full day programs, with adjustments based on the general categories of severe/multiple disabilities, mild-moderate disabilities and all other disabilities.

2. *By disability and grade level* - Only Alabama of the states reviewed uses a criterion based on the combination of disability and grade, providing a range within the levels of elementary, middle and high school.

3. *By program type and grade level* - Iowa incorporates its class size requirement within the four program types of resource teaching, special class with integration, self-contained class with little integration, and self-contained class for students whose total program must be provided by a special education teacher.

4. *By teacher license and grade level* - Ohio's draft regulations in use since 1997 provide detailed caseload ranges based on the specific type of teacher license held and student levels—early childhood, elementary, middle, junior high and high school.

5. *By program type, grade level and disability* - Three states illustrate this type of combination. Louisiana provides a listing of nine program types with the section on self-contained classrooms further specified by 21 disabilities and the ranges allowed in the three grade levels of pre-school, elementary and secondary. Kansas presents its maximum class sizes in separate tables for early childhood and specific types of disability further differentiated by type of program and level. New Jersey specifies maximum special class size by disability, grade level and type of program.

6. *By other combinations* - Missouri regulates specific caseload maximums by disability and class types, but also allows for the use of a formula for some special education classes. The formula is based on the number of IEPs for which a teacher is responsible and the aggregate number of student contact hours, a computed value based on the actual number of student contact minutes per week and the number of minutes the teacher has available for direct instruction.

States with *non-prescriptive* regulations use a variety of provisions for determining allowable caseload/class size:

✧ Connecticut sets the criteria in one sentence: "The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's IEP can be met" (Sec. 10-76d-5).

✧ Colorado requires that each district specify in its local plan a method or standards for the number and types of special education personnel necessary to meet the needs of children with disabilities. Similarly, Wisconsin requires each district to specify in its plan the ratio of pupils to full-time equivalent staff.

✧ Oregon regulations state that each school district shall maintain class sizes and teacher assignments which promote effective practices consistent with the outcomes expected of each instructional program. A list of eight factors must be considered in making this decision including the number of preparations or grades per teacher, the support staff available to each teacher, the nature of the subjects taught in relation to each teacher's professional preparation, and the appropriateness of instructional facilities and equipment.

✧ Indiana regulations state that caseload is generally determined by the number of IEPs for which a person has partial or entire implementation responsibility. The maximum is designed to allow the teacher to meet the individual needs of each student. Two specific parameters are set—that for homebound instruction and consultation or home-based instruction for early childhood.

Waivers

Many states include a provision for a district to apply to the state department of education for a waiver of one or more caseload requirements. In all cases, the waiver application must be submitted in writing and the response is also

written. Illinois regulations contain a process for a district to appeal to the State Superintendent of Education if the waiver request is denied.

Funding

In some states, the regulations for caseload/class size are expressed in relation to funding. For example, Louisiana prefaces its list of allowable student ranges as numbers of pupils that justify the salary of a teacher providing instructional services. Louisiana also defines criteria for hiring aides and speech therapists in terms of caseload size: an aide can be hired for each special class teacher if there are at least four students with low incidence disabilities or eight students with other types of disabilities in the class. Ohio's regulations are also couched in fiscal terms such as state funded special education units and reimbursement for services. Ohio is also the only state that set a minimum number—their limits for speech therapists call for a caseload of no fewer than 20 and no more than 80.

Comments and Observations

Special education involves the delivery of specially designed instruction, and the size of instructional groups has always been a primary concern in the planning of special education services. Despite the growing interest in this topic, there is no identified research that could guide policy makers in setting limits on caseloads/class sizes for students with disabilities. A number of important questions emerge from this brief analysis: What is the best role for a state in setting caseload/class size limits that impact local service planning? Does a general guideline that merely sets a goal of "appropriate to the needs of each student with an IEP" designate enough protection for the delivery of individualized services? Does the setting of ranges result in flexibility, or are they used to define maximums? A review of existing requirements suggests that this matter should be studied further to provide guidance on the value of various approaches.

Given the growing and strong support over the past decade for the delivery of special services within general education settings, the time has come to review requirements for caseload/class size. A comprehensive review would ensure that regulations and guidelines facilitate the delivery of effective services to students with disabilities in the least restrictive environment.

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This report was supported in whole or in part by the U.S. Department of Education (Cooperative Agreement No. H159K70002). However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by the Department should be inferred.

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